

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA URGING I.D.E.M. TO GIVE IMMEDIATE APPROVAL OF THE CITY OF FORT WAYNE'S APPLICATION FOR RENEWAL OF IT'S PERMIT TO DISCHARGE FROM THE MUNICIPAL WASTE WATER TREATMENT PLANT TO THE MAUMEE RIVER.

WHEREAS, the Fort Wayne Water Pollution Control Utility applied for a new permit to discharge from the municipal waste water treatment plant to the Maumee River prior to January 1, 1990; and

WHEREAS, the City of Fort Wayne's Permit to discharge from the municipal waste water treatment plant to the Maumee River, which was issued in 1986, expired January 31, 1990; and

WHEREAS, since Fort Wayne applied for its new permit prior to the expiration of its old permit, they are allowed to operate under the terms of the old permit until a new permit is issued; and

WHEREAS, the Environmental Protection Agency released a Combined Sewer Overflow Strategy in 1989 and revised the strategy in April of 1994. The revised strategy called for the nationwide implementation of Phase I by January 1, 1997; and

WHEREAS, the requirements to comply with E.P.A.'s CSO strategy normally are inserted in the City's treatment plant permit issued by the Indiana Department of Environmental Management when the permit is renewed; and

WHEREAS, since I.D.E.M. has not renewed Fort Wayne's permit since 1986, it does not contain any requirements to implement the E.P.A.'s CSO strategy; and

WHEREAS, the earliest project date for I.D.E.M. to renew Fort Wayne's permit is late September 1995; and

WHEREAS, E.P.A.'s rules and regulations may be enforced either through permit terms or through enforcement actions; and


WHEREAS, in February of 1995, U.S.E.P.A. Region 5 issued an administrative enforcement order to Fort Wayne to ensure that they would be in compliance with the E.P.A.'s CSO strategy by January 1, 1997; and

WHEREAS, the W.P.C. Utility believes that it needs the advice and help of outside consultants and attorneys to avoid a very costly legal action that could evolve from E.P.A.'s administrative order.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT THE COMMON COUNCIL URGES I.D.E.M. TO GIVE ITS PROMPT ATTENTION TO THE RENEWAL OF FORT WAYNE'S PERMIT TO DISCHARGE FROM THE MUNICIPAL WASTE WATER PLANT TO THE MAUMEE RIVER; AND TO APPROVE SAID RENEWAL IMMEDIATELY, AND WITHOUT FURTHER DELAY, IF ALL REQUIREMENTS FOR APPROVAL HAVE BEEN MET.


COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.


Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

Read the first time in full and on motion by Bradbury, and duly adopted, read the second time by title and referred to the Committee on City Ordinances (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ day of _____, M., E.S.T.

DATED: 4-9-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Nedra E. Clark, Deputy Clerk

Read the third time in full and on motion by Bradbury, and duly adopted, placed on its passage: PASSED 1995 by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 5-9-95
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Nedra E. Clark, Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. Q-27-95 on the 9th day of May, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy

Don J. Schmitter

SANDRA E. KENNEDY, CITY CLERK
Nedra E. Clark, Deputy Clerk PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of May, 1995 at the hour of 11:00 o'clock PM, M., E.S.T.

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK
Nedra E. Clark, Deputy Clerk

Approved and signed by me this 11th day of May, 1995, at the hour of 11:30 o'clock A M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. R-95-05-07 (AS AMENDED)

REPORT OF THE COMMITTEE ON
CITY UTILITIES
SAMUEL J. TALARICO - JANET G. BRADBURY - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) OF THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA URGING I.D.E.M. TO GIVE IMMEDIATE APPROVAL OF THE
CITY OF FORT WAYNE'S APPLICATION FOR RENEWAL OF IT'S PERMIT TO DISCHARGE
FROM THE MUNICIAPL WASTE WATER TREATMENT PLANT TO THE MAUMEE RIVER

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
~~(ORDINANCE)~~XXXX (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<i>Clifton R. Edmonds</i>	_____	_____
<i>Sandra E. Kennedy</i>	_____	_____
<i>Janet G. Bradbury</i>	_____	_____
<i>Mark L. Thigpen</i>	_____	_____
<i>Rebecca L. Loefer</i>	_____	_____
<i>Samuel J. Talarico</i>	_____	_____
<i>David C. Long</i>	_____	_____

DATED: 4-7-95

Sandra E. Kennedy
City Clerk
Nancy E. Loefer
City Clerk

3 A RESOLUTION OF THE COMMON COUNCIL OF THE
4 CITY OF FORT WAYNE, INDIANA URGING
5 I.D.E.M. TO GIVE IMMEDIATE APPROVAL OF
6 THE CITY OF FORT WAYNE'S APPLICATION FOR
7 RENEWAL OF A IT'S PERMIT TO DISCHARGE
8 FROM THE MUNICIPAL WASTE WATER TREATMENT
9 PLANT TO THE MAUMEE RIVER.

10 WHEREAS, the Fort Wayne Water Pollution Control Utility
11 applied for a new permit to discharge from the municipal waste
12 water treatment plant to the Maumee River prior to January 1,
13 1990; and

14 WHEREAS, the City of Fort Wayne's Permit to discharge
15 from the municipal waste water treatment plant to the Maumee
16 River, which was issued in 1986, expired January 31, 1990; and

17 WHEREAS, since Fort Wayne applied for its new permit
18 prior to the expiration of its old permit, they are allowed to
19 operate under the terms of the old permit until a new permit
20 is issued; and

21 WHEREAS, the Environmental Protection Agency released a
22 Combined Sewer Overflow Strategy in 1989 and revised the
23 strategy in April of 1994. The revised strategy called for
24 the nationwide implementation of Phase I by January 1, 1997;
25 and

26 WHEREAS, the requirements to comply with E.P.A.'s CSO
27 strategy normally are inserted in the City's treatment plant
28 permit issued by the Indiana Department of Environmental
29 Management when the permit is renewed; and

30 WHEREAS, since I.D.E.M. has not renewed Fort Wayne's
31 permit since 1986, it does not contain any requirements to
32 implement the E.P.A.'s CSO strategy; and

WHEREAS, the earliest project date for I.D.E.M. to renew
Fort Wayne's permit is late September 1995; and

WHEREAS, E.P.A.'s rules and regulations may be enforced
either through permit terms or through enforcement actions;
and

WHEREAS, in February of 1995, U.S.E.P.A. Region 5 issued
an administrative enforcement order to Fort Wayne to ensure
that they would be in compliance with the E.P.A.'s CSO
strategy by January 1, 1997; and

WHEREAS, the W.P.C. Utility believes that it needs the
advice and help of outside consultants and attorneys to avoid
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THE CITY OF FORT WAYNE, INDIANA THAT THE COMMON COUNCIL URGES
I.D.E.M. TO GIVE ITS PROMPT ATTENTION TO THE RENEWAL OF FORT
WAYNE'S PERMIT TO DISCHARGE FROM THE MUNICIPAL WASTE WATER
PLANT TO THE MAUMEE RIVER; AND TO APPROVE SAID RENEWAL
IMMEDIATELY, AND WITHOUT FURTHER DELAY, *HAVE REQUIREMENTS*

FOR APPROVAL HAVE BEEN MET.

Mark C. Gortals
COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.

Stanley A. Levine
Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

MEMBER OF THE COMMON COUNCIL

May 11, 1995

Kathy Prosser
Commissioner
I.D.E.M.
100 N. Senate Avenue
P. O. Box 6015
Indianapolis, IN 46206-6015

Mr. Mike O'Connor
Community Liaison
I.D.E.M.
100 N. Senate Avenue
P. O. Box 6015
Indianapolis, IN 46206-6015

Ms. Prosser and Mr. O'Connor:

Attached please find a copy of a resolution passed by the City Council of the City of Fort Wayne, Indiana, regarding its permit to discharge from the Municipal Waste Water Treatment Plant to the Maumee River. When this resolution was passed, the City Clerk Sandra Kennedy was directed to forward it to you. She has been hosting a state-wide City Clerk's conference all week, and so I am sending it in her place.

It is imperative that approval of this permit be given the immediate attention of IDEM to assist the City in compliance with the EPA's administrative enforcement order.

We would appreciate your written acknowledgement of receipt of this order and direct response as to how soon you can achieve expedited attention to the City's request. Please forward this response to Sandra E. Kennedy, City Clerk, One Main Street, Room 122, City-County Building, Fort Wayne, IN 46802 (219-427-1221).

Thank you for your assistance.

Sincerely,

Stanley A. Levine
Legal Advisor